

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

V.

VICENTE CASTRO TAVERAS

Defendant.

CRIMINAL NO. 02-266-04 (SEC)

PARTIAL OPPOSITION TO MOTION IN COMPLIANCE (DOCKET #697)

TO THE HONORABLE SALVADOR E. CASELLAS, SENIOR U. S. DISTRICT JUDGE:

Comes now the above-captioned defendant through his undersigned counsel and respectfully states and prays:

1. In compliance with the Opinion and Order issued on October 31, 2016 by the Honorable First Circuit Court of Appeals, incase No. 14-1879, remanding this case to this Court, the latter issued an Order at docket 695 that reads as follows:

ORDER as to Vicente F. Castro (4) **Status Conference set for 1/10/2017 02:30 PM in SEC's Chambers before Judge Salvador E. Casellas.** Prior to the conference, the government shall submit the transcript presented on appeal, as well as all other evidence it deems relevant for purposes of the hearing required by the First Circuit. The government shall submit an index of these documents, as well as a short description of each document and its relevance. Finally, for the conference, Defendant shall be represented by Attorney Frank Inserni. Signed by Judge Salvador E. Casellas on 12/5/16. (su) (Entered: 12/05/2016)

2. The prosecution at docket entry #697 filed a ten page motion entitled "United States Motion In compliance with Court Order (ECF#695)" with three exhibits. In said motion the prosecution submits a "Background", "Discussion" and three paragraphs entitled "Relevance" discussing and arguing why Mr. Castro Taveras was aware of the immigration consequences in his criminal case.

3. The prosecution has made statements and arguments that are not proper or in

compliance with the Court's simple order of submitting "the transcript presented on appeal and all other evidence it deems relevant for the purposes of the hearing".

4. Mr. Castro objects and opposes the arguments and background information because it does not comply with the court's order. Therefore he respectfully prays that all such arguments and factual discussions in the ten-page Motion in Compliance be stricken from the record and ruled as not to be considered in the Court's compliance with the Court of Appeals Order.

WHEREFORE, pursuant to his right to due process and assistance of counsel guaranteed by the Fifth and Sixth Amendments to the Constitution of the United States and the provisions of rules 2 and 16 of the Federal rules of Criminal Procedure and Rule 102 of the Federal rules of Evidence, Mr. Vicente Castro Taveras respectfully prays that the remedy sought above be granted.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 5th day of January, 2017.

I hereby certify having filed this motion on this day through the Honorable Court's CM/ECF Filing system, which will notify all pertinent parties to this matter.

S/ Rossana M. De-Castro-González

Rossana M. De-Castro-González
USDC-PR BAR NUMBER: 210711

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